
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JUST US REALTORS, LLC, on Behalf of
Itself and All Others Similarly Situated,

Plaintiff,

v.

NUDGE, LLC, BUYPD, LLC, INCOME
PROPERTY USA, LLC et al.,

Defendants.

Memorandum Decision and Order Granting In
Part Plaintiff's Motion to Amend/Correct The
Court's Prior Order

Case No. 2:18-cv-128 TC

District Judge Tena Campbell

Magistrate Judge Brooke Wells

Plaintiff, Just Us Realtors, LLC, moves the court for an "order amending the Memorandum Decision and Order Granting Motion for Extension of Time to File Motion for Certification."¹ In that order, the court weighed the need for determining whether to certify an action as a class action at "an early practicable time," against the drawback of making that decision prematurely. The court found that efficiencies will be gained in the instant case by "postponing the class certification decision until after the motions to dismiss are decided."²

Based on the language in that order, the parties disagree as to the deadline for filing a motion for certification. Plaintiff seeks a revised order expressly stating that "the due date of filing for filing the class certification motion shall be determined in connection with a pretrial scheduling process after this Court rules on the pending motions to dismiss and pursuant to DUCivR 16-1, whereby the appropriate timing for a motion for class certification may be best evaluated and determined in light of the posture of the case and scope of the class claims."³

¹ Plaintiff's Motion to Amend/Correct p. 1, ECF No. 59.

² Memorandum Decision and Order dated August 15, 2018, p. 3, ECF No. 46

³ Mtn. p. 2.

Defendants strongly oppose any open-ended undefined extension. The court once again agrees that the extension should not be open-ended.

Based upon the reasoning found in its prior order, and in clarifying that order, the court intends that the deadline for a class certification motion is moved until 90 days after the pending motions to dismiss are decided. Therefore, Plaintiff's motion is GRANTED IN PART.

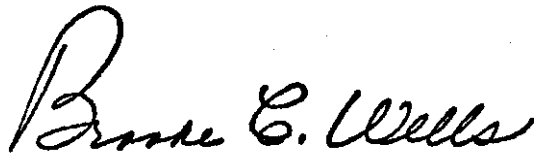
ORDER

It is therefore

ORDERED that Plaintiff's Motion for Extension of Time to File Motion for Class Certification is GRANTED IN PART. The deadline to file a motion for class certification is extended to 90 days after the pending motions to dismiss are decided.

IT IS SO ORDERED.

DATED this 24 September 2018.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter of "Brooke" is a large, stylized capital 'B'. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge